GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO:3491
ANSWERED ON:16.04.2002
NATIONAL POLICY ON CUSTODIAL JUSTICE TO WOMEN
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Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the Government propose to formulate National Policy on custodial justice to women, as recommended by Justice Krishna Iyer Report on Women Prisoners;

(b) if so, the details thereof alongwith the main recommendations made in the report; and

(c) the action taken or proposed to be taken by the Union Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI SUMITRA MAHAJAN)

(a)&(b) According to information supplied by the Ministry of Home Affairs, policy of the Government is to ensure the safety, security and dignity of women in custody. Guidelines provide for keeping women in separate jails/separate enclosures outside the view of male prisoners, guarding women prisoners by female staff, creating necessary infrastructure in jails for proper and healthy development of children accompanying mother prisoners etc. Some of these provisions are incorporated in the Jail Manuals.Ministry of Home Affairs has been issuing guidelines from time to time in tune with the above Policy. The gist of major recommendations contained in the report of the National Expert Committee on Women Prisoners headed by Justice Kroshna Iyer is annexed.

(c) The Report of the National Expert Committee onWomen Prisoners headed by Justice Krishna Iyer wasforwarded to the State Governments and Union Territory Administrations in December, 1987. They were requested to examine the recommendations and take a view on those for action. The Department of Women and Child Development has been seeking a status report on implementation.

Statement referred to in part (b) of the Lok Sabha Unstarred Question No. 3491 for 16-4-2002 by Shri C.N Singh

Gist of major recommendations contained in the Report of the NationalExpert Committee on Women Prisoners headed by Justice Krishna Iyer

1.Policy Making and Monitoring

a) A National Policy on Custodial Justice to women should beformulated and adopted. A draft policy was suggested by the Expert Committee

b) National Authority on Custodial Justice to Women (NACJW)should be constituted to overview and monitor the implementation of the National Policy

c) One Member of NACJW be designated as the Ombudsman for Custodial Institution for Women in India

2. Judicial

a) State level ACJAW and Ombudsman be also set up.

i) Depending on the individual preferences of States, either the jurisdiction of Family Court constituted under the Family Court Act 1984 be extended or the Women's Court should be instituted to dispense justice to women. But it should be mandatory for the states to create a separate and specialized justice dispensing modality to women.

b) Nari Bandigriha Adalat in the nature of mobile judicial camps for rendering speedy redress to women in custody.

3.Legislative

a) Article 252 of the Constitution of India should be invoked to get the concurrence of two or more States to bring uniform Comprehensive Prison and Prisoner Act throughout the country

b) A comprehensive code to cover the administration of all custodial institutions should also be formulated.

c) Critical assessment of the efficacy and relevance of various legislations bearing on women's status in custody and their criminality should be undertaken by the Law Commission.

d) Appropriate amendment should be made in the IPC, CrPC, Prison Act, 1894 and Police Act 1861 to reflect the special needs of women in custody.

e) The new Mental Health Bill should reflect the specific recommendations of the Committee in respect of the custody and treatment of non-criminal and criminal lunatic women.

4. Administrative

A. Prisons

a) A cadre of prison service should be set up.

b) There should be enhanced and protected representation of women in the prison cadre.

c) There should be women DIG at the State HQ preferably from prison service to look after the work relating to women prisons.

d) Women Superintendents of Women prisons should be made fully autonomous.

e) There should be permanent wardens and matrons.

f) Prisoner's Council should be set up in every prison.

g) Socio-legal counseling cells should be set up in every prison

h) Released Prisoner's Aid Societies should operate in every district.

i) Prison amenities for women and their children should be clearly identified preferably in a separate volume of the Prison Manual

B. Police

a) A cadre of Women Police should be set up.

b) It should be mandatory for each Police Station to have separate lock up for women prisoners

c) A model Police Manual should be compiled and this should carry indicative standards of minimum space and other facilities and procedures applicable to women when in Police custody.

d) Women's Assistance Police Unit should be created

C. Social Welfare and Mental Health Custodial Institutions
a) A manual to guide the management of these institutions should be compiled.

b)Greater grant of flexibility and tighter inspection and monitor mechanism should be devised.

c)A national evaluative profile should be attempted to help streamline social welfare custodial institutions.

d) Judicial camps should be convened in these institutions

e)Socio-legal counseling cells should operate in these institutes

f) Inmates Councils should be set up in these institutions

g) An escort corps with necessary police powers should be developed to provide escorting services to these institutions.

5.Participative Structure

a)Recognized individuals and groups should have full access to custodial institutions along with full rights to inspect institutional records and interview inmates in confidence.

b) Socio-legal cells to be jointly run by law schools and schools of social work should be attached to every custodial center or a cluster of centers